

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X
The Authors Guild Inc., et al.,

Plaintiffs,

— v. —

Google Inc.,

Defendant.
-----X

Case No. 05-cv-8136 (DC)

NOTICE OF INTENT TO
APPEAR BY THE FRENCH
REPUBLIC

Filed Electronically

TO THE CLERK OF THIS COURT AND ALL PARTIES OF RECORD:

Please take notice that French Republic ("France"), as amicus curiae, intends to appear at the fairness hearing on February 18, 2010 at 10:00 A.M. to object to the Proposed Amended Settlement. France will appear through its representative and its attorneys, Theodore C. Max and Edwin Komen. Mr. Max is admitted to practice before this Court. (Dkt. No. 174). Mr. Komen has been admitted to practice *pro hac vice*. (Dkt. Nos. 232, 310).

France, as amicus curiae, represents the interests and rights of its citizens, authors and publishers of France. France also supports the European book-scanning project, Europeana, which unlike Google is in compliance with French law and requires obtaining permission from rightsholders before scanning copyrighted works. France wishes to address various issues, including, but not limited to: (1) the lack of proper notice and representation regarding the Proposed Amended Settlement Agreement as to French authors and publishers as required by Federal Rule of Civil Procedure 23; (2) the Proposed Amended Settlement Agreement's contravention of the rights of Authors and Publishing under French law and the Berne Convention and international copyright law; and (3) the Proposed Amended Settlement's circumvention of the United States Congress's exclusive authority to amend the Copyright Act

and its violation of copyright law. France addressed these issues in its objections to the original proposed settlement and the subsequent amended version in its Memorandum of Law in Opposition to the Settlement Proposal on Behalf of the French Republic and the Declaration of Nicolas Georges in Opposition (Dkt. Nos. 287 and 290), and in its Supplemental Declaration of the French Republic in Opposition. (Dkt. No. 853).

Pursuant to this Court's September 8, 2009 Order with regard to the previously scheduled Fairness Hearing (Dkt. No. 716), a copy of this Notice is also being emailed to googlebookcase@nysd.uscourts.gov.

Dated: February 4, 2010

Respectfully submitted,

SHEPPARD, MULLIN, RICHTER & HAMPTON LLP

By: 

Edwin Komen (EK-DC Bar No. 924209) (Pro Hac Vice)
Theodore C. Max, Esq. (TM-1742)
30 Rockefeller Plaza, Suite 2400
New York, NY 10112
Tel.: (212) 653-8700
Fax: (212) 653-8701
Counsel for French Republic